



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,955	01/05/2001	Patrick Kerpan	3343/01048	5180

7590 01/30/2004

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,955

Applicant(s)

KERPAN ET AL.

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/05/01, 05/14/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 01/05/01.
2. Claims 1-7 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. USPN 5,862,325.

Regarding claim 1, Reed anticipates an object-oriented temporal context programming system comprising:

data objects, each data object defining a class of object with at least one attribute, said attribute being stored in the database with an indication of the effective time of the attribute (Col. 58:48-50, see "date/time ..."), any change in attribute also being stored in the data object along with an indication of the time of effect of the change in the attribute (Col. 9:40-50, see change and update data metadata and methods); and

methods which the class can carry out, said methods having an argument which is effective time (Col. 58:48-50, see "date/time ..."), said method being stored in the database with an indication of the effective time of the method, any change in said method also being stored in the data object along with an indication of the time of effect of the change in the method, execution of said method with a particular time argument

Art Unit: 2122

utilizing the attributes of the effected data objects and the particular method in effect for the particular time specified (Col.59:40-55).

Regarding claim 2, Reed anticipates an object-oriented temporal context programming system comprising:

data objects, each data object defining a class of object with at least one attribute, said attribute being stored in the database with an indication of the effective time of the attribute(Col. 58:48-50, see "date/time ..."), any change in attribute also being stored

in the data object along with an indication of the time of effect of the change in the attribute (Col.59:45 - 50, also see "If-Modified-Since" parameter for data object); and

methods which the class can carry out, said methods having an argument which is effective time, execution of said method with a particular time argument utilizing the attributes of the effected data objects in effect for the particular time specified (Col.59:45-50, see update method).

Regarding claim 3, which recites similar limitations as claim 1, with regards to effective time and change in said method see rationale as previously discussed above in claim 1.

Regarding claim 4, Reed anticipates an object-oriented temporal context programming system comprising:

data objects, each data object defining a class of object with attributes, at least one attribute of one data object being stored in the database with an indication of the context of the attribute, any change in attribute also being stored in the data object along with an indication of the context of the change in the attribute (Col.59:45-50, see "If-Modified-Since" parameter for data object); and

methods which the class can carry out, at least one of said methods having an argument which is an indication of context, said method being stored in the database with an indication of the context of the method, any difference in said method also being stored in the data object along with

Art Unit: 2122

an indication of the context of the difference in the method, a method executed with a particular context argument utilizing the attributes of the effected data objects and the method in effect for the particular context (Col.59:40-55, also see Reed et seq.).

Regarding claim 5, an object-oriented temporal context programming system as claimed in claim 2 wherein the context is a version of an application program, so that by identifying a particular context a different version of the application program runs and gives the user a different vantage point from which to experience the program (Col.10:5-15, see updated version).

Regarding claim 6, which recites similar limitations as recited in claim 4 see rationale as previously discussed above.

Regarding claim 7, which recites similar limitations as recited in claim 4 see rationale as previously discussed above.

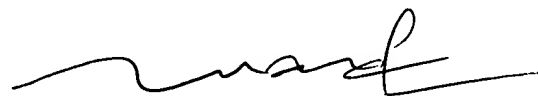
Correspondence Information

5. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 and 703-7467240 draft.



TUAN DAM
SUPERVISORY PATENT EXAMINER

Application/Control Number: 09/755,955

Page 5

Art Unit: 2122

Chuck Kendall

Patent Examiner AU 2122